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EXAMINER

BAHTA, KIDEST

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,116	Applicant(s) JUNK ET AL.	
	Examiner KIDEST BAHTA	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-34 and 38-42 is/are allowed.
- 6) ☒ Claim(s) 1-20 and 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/27/06, 7/18/06, 5/25/07, 9/24/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 14-15 and 18-20 and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Boger et al. (US 6,453,261).

Regarding claims 1-12, 14-15 and 18-20, Roger discloses,

1. A method for controlling a process parameter of a control loop comprising: providing a reference control signal at an input to a control loop (column 3, lines 29-32); providing a lead-lag filter in communication with the control signal (Fig. 1, element 18); providing a user interface in operable communication with the lead-lag filter Fig. 1, element 18; column 4, line 61-67; column 6, lines 13-24), said user interface facilitating remote manipulation of a ratio of lead-to-lag produced by the lead-lag filter; and operating the user interface to remotely manipulate the ratio of lead-to-lag of the lead-lag filter to produce an alteration in the process parameter to be controlled (column 24, lines 61-67; column 28, lines 59-67).

2. The method of claim 1, wherein operating the user interface includes

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adjusting at least one tuning coefficient associated with the lead-lag filter by manipulating at least one virtual interface control provided on a display associated with the user interface (Fig. 11; fig. 12; column 22, lines 50-65).

3. The method of claim 2, and displaying data associated with the process parameter to be controlled (Figs.10a, 10b, 27-28).
4. The method of claim 3, wherein the data is displayed on the display associated with the user interface (Figs.10a, 10b, 27-28).
5. The method of claim 1, and manipulating a virtual ratio of lead-to-lag to generate a predicted response of the process parameter to be controlled, and displaying the predicted response on a display associated with the user interface (Figs. 4-6; Figs.10a, 10b, 27-28;).
6. The method of claim 1, wherein the reference control signal is a 4-20 mA control signal (column 10, lines 29-46).
7. A system for tuning a process parameter of a control loop comprising: a lead-lag input filter in communication with an input to the control loop (column 2, lines 29-35); a controller applying a reference control signal to an input of the lead-lag input filter (Fig. 1, column 5, lines 40-45); a user interface in operable communication with the lead-lag filter (Fig. 10a and 10b), said user interface

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including at least one adjustable interface control, wherein adjustment of each of said at least one adjustable interface controls alters at least one tuning coefficient associated with the lead-lag filter (Fig. 4-6, column 24, lines 61-67; column 28, lines 59-67).

8. The system of claim 7, wherein the user interface further includes a display for monitoring a process parameter affected by alteration of the at least one tuning coefficient ((Fig. 11; fig. 12; column 22, lines 50-65)..

9. The system of claim 8, wherein the control loop includes at least one feedback signal that varies with changes in the process parameter (column 10, lines 35-45).

10. The system of claim 8, wherein the user interface includes a display on which variations in the at least one feedback signal are graphically displayed (Fig. 2, 3, Fig. 27).

11. The system of claim 7, wherein the user interface further includes a display for a monitoring a predicted response of the process parameter in response to adjustments of each of the at least one adjustable interface controls (Fig. 10a and 10b).

12. The system of claim 11, wherein the user interface is provided with at

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least one control mechanism to control a latency period between the predicted response of the process parameter to adjustments of each of the at least one adjustable interface controls, and application of the adjustments of each of the at least one adjustable interface controls to the lead-lag filter to effect an actual response of the process parameter (Fig. 18, column 8, lines 26-62).

14. A system for tuning the response of a control valve comprising: a control loop including a valve controller (column 2, lines 29-32), a current-to-pressure transducer, a control valve (column 4, lines 37-39), and a valve actuator in operable communication with a valve plug of the control valve (column 5, lines 40-45); a lead-lag filter in communication with an input to the control loop (Fig. 1, element 18, column 4, lines 61-67 and column 6, lines 13-24); and a process controller supplying a reference control signal to an input of the lead-lag filter (Fig. 1).

15. The system of claim 14, further comprising a user interface in operable communication with the lead-lag filter, said user interface including at least one adjustable interface control, wherein adjustment of each of said at least one adjustable interface controls alters at least one tuning coefficient associated with the lead-lag filter (Figs. 10a, 10b, 27 and 28).

18. The system of claim 15, wherein the user interface further includes a display for a monitoring a predicted response of a position of the valve plug of the control valve in response to adjustments of each of the at least one adjustable interface controls (column 8, lines 42-62, abstract).

19. The system of claim 18, wherein the user interface is provided with at least one control mechanism to control a latency period between the predicted response of the position of the valve plug of the control valve to adjustments of each of the at least one adjustable interface controls (column 16, cline 40-45), and application of the adjustments of each of the at least one adjustable interface controls to the lead-lag filter to effect an actual response of the position of the valve plug of the control valve (column 10, lines 34-64).

20. The system of claim 14, wherein the lead-lag input filter is in communication with a controller, said controller including programming adapted to cause the lead-lag input filter to curtail movement of a valve stem of the control valve operatively coupled to the valve plug as the valve plug approaches at least one of a valve seat and a travel stop of the control valve (Figs. 10a, 10b, 27 and 28).

Regarding claims 35-37, see rejection claims 1-3, as state above.

Claim Rejections - 35 USC § 103

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boger et al. (US 6,453,261) in view of Latwesen et al. (US 6,466,893).

Regarding claims 13 and 16-17, Boger discloses the limitations of claims 7, 14 and 15, as state above, but Boger fails to disclose the limitations of claims 13, 16 and 17. However, Latwesen discloses the limitations of claims 13, 16 and 17 as follow:

13. The system of claim 7, wherein said user interface is provided in a location remote from the lead-lag input filter (column 1, lines 15-22, i.e., process control loop connected on-line within a process environment).

16. The system of claim 15, wherein the user interface is located at a remote location from the lead-lag filter (column 1, lines 15-22, i.e., process control loop connected on-line within a process environment).

17. The system of claim 15, wherein the user interface communicates with the lead-lag filter through at least one of a group of telephone lines, satellite

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transmission, coaxial cable, Ethernet, fiber optic cable, and the Internet (column 1, lines 15-22, column 3, lines 35-40, i.e., process control loop connected on-line within a process environment).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Boger with the teachings of Latwesen in order to provide easily measure, monitor, and control the loop process from the distance.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

Claims 1, 14 and 15 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, 5 and 9 of U.S. Patent No. 7,349,745. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are obvious variations of each other, wherein the claims of the present application and the claims of the patent are identical except that the present claims recite "controlling a process

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parameter of a control loop" whereas the claims of the Patent recite "urging a valve off a seat of a control valve", wherein it would have been obvious to one of ordinary skilled in the art at the time of the invention to either the Same steps of the present claimed invention and the co-pending claimed invention because both controlling a process parameter of a control loop comprising same element and have the same function, as intended by both claimed inventions.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Allowable Subject Matter

4. Claims 21-34 and 38-42 allowed.

Conclusion

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kidest Bahta whose telephone number is 571-272-3737. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kidest Bahta/

Primary Examiner, Art Unit 2123